

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

RAY CHARLES SCHULTZ, et al,)

Plaintiffs,)

v.)

STATE OF ALABAMA, et al,)

Defendants.)

Civil Action No. 5:17-cv-270-MHH

RANDALL PARRIS, et al.,)

Plaintiffs,)

v.)

JUDGE MARTHA WILLIAMS,)
et al.,)

Defendants.)

MOTION TO STRIKE OR, IN THE ALTERNATIVE, TO DISMISS THE
“CULLMAN COUNTY SHERIFF’S OFFICE”

COMES NOW the Defendant denominated as the “Cullman County Sheriff’s Office” and hereby respectfully files this Motion to Strike or, in the Alternative, to Dismiss the “Cullman County Sheriff’s Office” from the Intervenor’s Amended Complaint (Doc. 52) pursuant to Rule 12 of the Federal Rules of Civil Procedure, as follows:

1. It is well-established that the “Cullman County Sheriff’s Office” is not a legal entity capable of being sued. *See, e.g., Dean v. Barber*, 951 F.2d 1210, 1214 (11th Cir. 1992); *Underwood v. Cullman County Sheriff’s Office*, Civil Action No. 5:13-cv-00698-SLB-TMP, 2014 WL 7369413 at *3 (N.D. Ala. Dec. 29, 2014) (dismissing the “Cullman County Sheriff’s Office” as a defendant pursuant to *Dean*).

2. The “Cullman County Sheriff’s Office” is accordingly due to be stricken from the Intervenor’s Amended Complaint as immaterial pursuant to Rule 12(f) or, in the alternative, to be dismissed from this action pursuant to Rule 12(b)(1) and/or 12(b)(6) of the Federal Rules of Civil Procedure.

Respectfully submitted this the 22nd day of June, 2017.

s/Jamie H. Kidd
JAMIE H. KIDD (ASB-7661-M76H)
WEBB & ELEY, P.C.
7475 Halcyon Pointe Dr. (36117)
P.O. Box 240909
Montgomery, AL 36124
(334) 262-1850 - T
(334) 262-1772 - F
jkidd@webbeley.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of June, 2017, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have provided a copy by First Class U.S. Mail, properly addressed and postage prepaid to the following:

J. Melvin Hasting
Law Office of Melvin Hasting,
LLC.
P.O. Box 517
Cullman, AL 35058
(256) 736-2230 – T
(256) 775-0223 – F
mhasting@hiwaay.net
*Attorney for Plaintiffs Ray Charles
Schultz, Davon Treshawn Beebe,
Tyrone Daishawn Beebe, and James
Hugo Sterling*

James W. Davis
Laura E. Howell
Office of the Attorney General
501 Washington Avenue
P.O. Box 300152
Montgomery, AL 36130
(334) 242-7300 – T
(334) 353-8440 – F
jimdavis@ago.state.al.us
lhowell@ago.state.al.us
*Attorneys for Defendants the State
of Alabama*

Hon. Joan White
Cullman County Courthouse
500 2nd Avenue SW
Cullman, AL 35055
Intervenor Defendant

Thomas E. Drake, II.
The Drake Law Firm
419 Second Avenue SW, Suite B
Cullman, AL 35055
(256) 739-9445 – T
(256) 734-7121 – F
tomdrake@bellsouth.net
Attorney for Plaintiff Randall Lee Parris

Hon. Martha Williams
Cullman County Courthouse
500 2nd Avenue SW
Cullman, AL 35055
Intervenor Defendant

Hon. Amy Black
Cullman County Courthouse
500 2nd Avenue SW
Cullman, AL 35055
Intervenor Defendant

Lisa McSwain
Cullman County Courthouse
500 2nd Avenue SW
Cullman, AL 35055
Intervenor Defendant

Alabama Administrative Office of the
Courts
300 Dexter Avenue
Montgomery, AL 36104
Intervenor Defendant

Randy Helms
300 Dexter Avenue
Montgomery, AL 36104
Intervenor Defendant

s/Jamie H. Kidd
OF COUNSEL